

Further, Defendants' RCS code contains an environmental variable called SFILE

**Redacted**

Second Polish Dec., para. 13 (Walker YY).

**Redacted**

ACE derivative sequence, the real

lds100 and lds200 sequences as opposed to the sequences produced in discovery that no one would verify the authenticity of, unless Defendants choose instead to use ACE verbatim.

**Redacted**

no one could determine from

looking at the code that the ACE derivative sequences had been used because seed files are not included in MR-RCS code. Dr. Polish, Defendants' computer code expert, acknowledged this when he said,

**Redacted**

(Polish , 2007 dep.,

142:18-145:12 (emphasis added) (Walker LLLLL). Dr. Polish further testified:

**Redacted**

*Id.*, 143:24-144:12 (Emphasis added).

Manifestly, **Redacted**

That plainly does not include

Mr. Russell.

At no point have Defendants advanced admissible evidence to the effect that

during the relevant period Defendants did *not*

**Redacted**

ACE derivative sequences. In the 2007 Polish Declaration, Dr. Polish stated that he

had been *informed by Defendants' counsel* that, allegedly, Defendants do not **Redacted**

¶¶ 10, 13 (Walker YY). Dr. Polish